

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

JUN 22 2010

SHERMAN DIVISION

DAVID J. MALANDI, CLERK  
BY  
DEPUTY \_\_\_\_\_

RICHARD W. ENGSTROM, #1623968           §  
VS.   §                   CIVIL ACTION NO. 4:10cv120  
RALPH K. BERGES, ET AL.                   §

ORDER

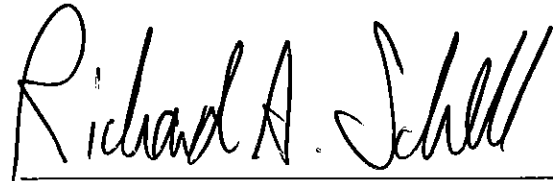
Plaintiff Richard W. Engstrom, an inmate confined at the Diboll Correctional Center of the Texas prison system and proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge Don D. Bush, who issued a Report and Recommendation recommending that the case be dismissed without prejudice. Plaintiff filed objections.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Plaintiff to the Report, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and that the objections of Plaintiff are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that pursuant to 28 U.S.C. § 1915A(b)(1), the complaint is **DISMISSED** with

prejudice to such claims being asserted again until the *Heck* conditions are met.

SIGNED this 21<sup>ST</sup> day of June, 2010.

A handwritten signature in black ink that reads "Richard A. Schell". The signature is written in a cursive style with a large initial "R".

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RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE